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Chair: Ms. Mejía Vélez (Colombia)

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The meeting was called to order at 3.05 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40)

(a) Implementation of human rights instruments (*continued*) (A/71/44, A/71/48, A/71/118, A/71/268, A/71/270, A/71/272, A/71/289, A/71/298 and A/71/341)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/71/36)

1. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights), presenting an oral report on the work of the Committee on Economic, Social and Cultural Rights, said that in the 50 years since their adoption, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had made a great difference; however, much remained to be done to make the two Covenants' complementarity more visible.

2. In accordance with General Assembly resolution 68/268, the Committee had held three sessions in 2016, and had devoted most of its time to consideration of 17 reports from States parties to the International Covenant on Economic, Social and Cultural Rights. Although that meant that the Committee no longer had a backlog of reports, the decision to shift from three to two meetings per report had caused considerable hardship and had compromised dialogue. The principal problem currently facing the Committee was that 30 States were simply not submitting reports. The non-reporting States either did not have the time or were not interested; the Committee was contemplating how to make them comply with their obligations. It sent reminders to those States and was working to build national capacity though the new capacity-building programme established pursuant to General Assembly resolution 68/268. Reporting was a heavy burden and practically all States had reporting obligations to other treaty bodies over and above their commitments to the Human Rights Council; States' obligations would be streamlined if some of the treaty bodies, the work of which overlapped, were combined. Treaty bodies had a vested interest in maintaining their independence, and combining them would necessitate amending the Covenants. However, even if it was not feasible to have only a single treaty body, having three or four was viable and would be preferable to the current 10.

3. With regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Committee had considered six communications during the past year. Its ongoing work on communications would contribute to its jurisprudence and assist it in clarifying the obligations emanating from the Covenant. Despite work by the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to promote its ratification, progress remained slow. At its fifty-ninth session, the Committee had adopted guidance on third-party interventions, which would regulate the interventions of individuals and entities who wished to file an amicus brief in an individual communication procedure and ensure that the Committee's practice on the matter was consistent and transparent.

4. The Committee had adopted two general comments and two statements in 2016: general comment No. 22 on the right to sexual and reproductive health and general comment No. 23 on the right to just and favourable conditions of work, and statements on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights, and human rights defenders and economic, social and cultural rights.

5. The Committee had taken on board the Sustainable Development Goals and their related targets and indicators; specifically, it had established standard language for its concluding observations which referred to the Goals and targets. It was extremely important for all States to consider their obligations under the Covenant when developing national action plans and other initiatives to achieve the Goals.

6. The additional meeting time granted under the treaty body strengthening process had been helpful. However, for the strengthening process to be meaningful, the resources allocated to the secretariat must be commensurate with its increased workload. In other words, treaty bodies needed more time: two meetings instead of three saved time, but at the cost of quality.

7. **Ms. Duda-Plonka** (Poland) said that the opinions expressed by the Committee during its September 2016 review of her country's compliance with the Covenant would guide her Government's further action. Her delegation stressed the need to ensure basic standards of living and of work in all parts of the world; the role of civil society and non-governmental organizations was crucial in that regard.

8. She asked how the examination of the economic, social and cultural rights situation could be strengthened, and what further actions and initiatives could be envisaged to assist Member States in their efforts to meet the Sustainable Development Goals. Lastly, she asked what plans there were for the preparation of general comments in the coming years.

9. **Mr. Forax** (Observer for the European Union) said that, in addition to persistent non-reporting by States parties undermining the Covenant, extremely late submission of periodic reports was a concern. He asked what lessons had been learned in the initial stages of implementing the simplified reporting procedure. The Committee on Economic, Social and Cultural Rights and the other treaty bodies should adopt a coherent approach with regard to the simplified reporting procedure, which should include the other treaty bodies offering States that systematically complied with their reporting obligations the chance to make use of that procedure. His delegation was concerned about the shrinking space for civil society, and particularly the situation of defenders of economic, social and cultural rights. He asked what obstacles human rights defenders faced when monitoring States' compliance with the Covenant and engaging with the Committee. Lastly, he reiterated his delegation's call for universal ratification of the Covenant and its Optional Protocol and asked what steps would be taken to promote ratification.

10. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that the Committee was contemplating several general comments: on business responsibilities and the observance of human rights, on land rights and on the environment, to list a few ideas. The Committee believed that the Covenant required fleshing out; it therefore took a broad approach with regard to the issuance of general comments.

11. With regard to examination of the human rights situation, the Covenant referred to the progressive realisation of human rights; consequently many countries took that responsibility lightly. However, as it had developed its jurisprudence, the Committee had concluded that the Covenant actually included core obligations which were of immediate effect, such as the obligation to end discrimination. No country could legitimately say that it could not afford to end discrimination. Gender equality was another core obligation: it was not contingent on a certain budget. When the Universal Declaration of Human Rights had been adopted, the idea had been to have a single covenant, but the Cold War had caused a split. The Western approach had been that civil and political rights were of immediate effect, whereas economic, social and cultural rights could be realized progressively; but that approach was misguided and should be abandoned.

12. As to the reporting procedure, he said that its complexity was not the real problem. Countries were failing to perform well not because of capacity problems or because they did not understand the procedure, but because of a lack of interest. Under the existing reporting cycle the Committee heard from each country only once every 10 or 15 years, which made it impossible to maintain a serious dialogue. Rather than a simpler procedure, a follow-up procedure was needed, in order to maintain the momentum of dialogue.

13. With regard to increasing ratification of the Covenant, which had 164 States parties, the biggest problem was that the United States of America had still not ratified it. As a major Power, the United States would spur increased ratification by taking that step.

14. **Ms. Redinha** (Portugal), speaking on behalf of Uruguay and of her own delegation in their capacity as co-chairs of the Group of Friends of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, said that since many human rights defenders were persecuted for their efforts, the Committee was to be commended for issuing its statement on human rights defenders and economic, social and cultural rights. She asked the Chair to share concrete ways in which States parties could use general comment No. 23 (2016) on the right to just and favourable conditions of work to improve the working conditions of groups of workers who might be excluded from the protection measures offered to nationals, such as irregular migrants and refugees.

15. Recalling that the Optional Protocol had entered into force in 2013, she asked how the individual communications procedure was helping to improve implementation of, and compliance with, the Covenant, and what obstacles there were to increased ratification. Lastly, she asked the Chair to elaborate on the most relevant issues the Committee had analysed so far. She called on all Member States to ratify both the Covenant and its Optional Protocol.

16. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that it had not been straightforward for the Committee to adopt the statement on human rights defenders because some member countries had been concerned about the extent to which their Governments would want to protect human rights defenders. The Committee had therefore taken a very careful approach to the topic.

17. Some States felt that general comments were an attempt by the Committee to legislate human rights principles that went beyond the Covenant. That accusation was perhaps inevitable: the Committee sought to interpret the Covenant and clarify its meaning in its general comments, which by definition entailed adding something that was not mentioned in the Covenant. Nevertheless, it was important that the Committee did not give the impression that it was trying to expand the Covenant's scope. Sometimes principles had to be sacrificed in the interest of expediency to have a general comment adopted. With regard to the application of general comment No. 23, there was broad agreement that States should promote labour rights, labour issues and social housing.

18. In order to increase ratification of the Optional Protocol, the Committee must convince States parties that the provisions of the Covenant were justiciable — meaning that they could constitute grounds for going to court. More States would opt to ratify the Optional Protocol if they were persuaded that individuals who could not obtain justice at the national level had the option of appealing to the Committee for legal redress.

19. **Mr. Clyne** (New Zealand) said that his delegation had tried, along with the delegations of Burkina Faso and Colombia, to integrate into a draft resolution some of the text of general comment No. 22, which constituted an important step towards guaranteeing the right to the highest standards of sexual and reproductive health and rights, but that certain Governments had been fiercely opposed to the idea. He therefore asked the Chair to comment further on the gap between the excellent work of the Committee and the standards that States actually accepted or agreed on at the intergovernmental level. The gap was appreciable, for instance, with regard to women's rights, despite the diversity of the Committee's membership. While the members of the Committee were independent experts, representing only themselves and not their countries, he had nevertheless believed that general comment No. 22 reflected the full spectrum of views, and wondered how the gap between general comments and intergovernmentally agreed norms could be closed in the near future.

20. **Mr. Sadi** (Chair, Committee on Economic, Social and Cultural Rights) said that the problem with general comments was that countries seldom referred to them. Although the Committee regularly reminded States parties to take them into account, general comments did not figure highly in Government responses. On the specific issues of sexual and reproductive health, there were religious issues that affected States' acceptance of standards. Abortion was a contentious issue in Islamic countries, for instance, as a result of religious, as well as traditional, factors. Such issues as safe sexual relations, sex education, marital rape and gay and lesbian rights were hotly disputed matters in traditional societies. General comments were an instrument for change, but could not usher in change overnight. It was necessary to maintain friendly pressure. Lastly, a follow-up procedure was needed to demonstrate that adherence to the general comments need not conflict with traditional values or religions.

21. **Mr. Webson** (Antigua and Barbuda), speaking on behalf of the States members of the Caribbean Community (CARICOM), said that CARICOM attached a great deal of importance to capacity-building. While CARICOM member States had human rights reporting mechanisms in place, natural disasters and limited human and financial resources constrained their ability to submit national reports on time. CARICOM had benefited from previous capacity-building activities and would continue to call upon the Office of the United Nations High Commissioner for Human Rights (OHCHR) for technical assistance.

22. The pilot project to stream webcasts of meetings of human rights treaty bodies was important as it

enabled countries with budgetary constraints or without permanent representation in Geneva to follow the proceedings of interactive dialogues and have additional experts on hand. CARICOM was concerned that the pilot project could be discontinued in June 2017 if no budgetary allocations from the regular budget were made, which would have a negative impact on small States. In that connection, he underscored the need for the activities of OHCHR to receive dedicated financial resources from the regular budget.

23. Recalling General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, in which the Secretary-General was requested to report on proposals to enhance the engagement of all States parties in the dialogue with the treaty bodies, he expressed the hope that the issue would be addressed in the Secretary-General's next report on the status of the human rights treaty body system.

24. **Mr. Forax** (European Union), speaking also on behalf of the candidate countries Albania, Serbia and the former Yugoslav Republic of Macedonia, the stabilization and association process and potential candidate country Bosnia and Herzegovina, and Ukraine, said that it was disturbing that some Governments, in contravention of the Vienna Declaration and Programme of Action, were stifling the voices of human rights defenders, non-governmental organizations and journalists under the pretext of combating terrorism, violent extremism and separatism. That alarming state of affairs had made the European Union even more resolute in its support for the human rights treaty bodies. Noting the importance of ensuring the independence and integrity of the United Nations High Commissioner for Human Rights and his Office, which had a vital role to play in translating the work of the Human Rights Council into action on the ground, he stressed that the Office and other human rights mechanisms must be granted access to all parts of a State's territory.

25. The European Union was opposed to attempts to revise relations between the Human Rights Council and the Third Committee, including attempts to reopen Human Rights Council outcomes. Calling upon States to implement the recommendations of their universal periodic reviews, he welcomed the practice of submitting voluntary midterm reviews, encouraged civil society to report on implementation, and said that the European Union stood ready to provide support through the exchange of best practices, technical assistance and capacity-building.

26. The European Union welcomed the appointment of several special procedures mandate holders, including the first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. It was unacceptable that homosexuality was still punishable by law in certain countries and that people could be prosecuted because of their sexual orientation or gender identity. The European Union upheld the independence of mandate holders and supported their free and unhindered interaction with individuals and civil society organizations.

27. The European Union called for the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action to be enhanced. It would engage in all relevant forums of the United Nations to counter any attempts to roll back gender equality commitments, and recalled the necessity of combating all forms of violence against women and girls, including in situations of armed conflict. He urged all States to ratify the optional protocols to the Convention on the Rights of the Child.

28. **Mr. Taula** (New Zealand), speaking on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland, said that it was encouraging that the Sustainable Development Goals recognized and included persons with disabilities. Strengthened efforts were needed to collect and analyse data on how such persons were benefiting from the implementation of the 2030 Agenda on Sustainable Development. Persons with disabilities were disproportionately affected by humanitarian emergencies. The Sendai Framework for Disaster Risk Reduction 2015-2030, Human Rights Council resolution 31/L.8 on the rights of persons with disabilities in situations of risk and humanitarian emergencies and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action sought to make humanitarian action inclusive to all and remove barriers to accessing relief, protection and recovery support by ensuring the participation of persons with disabilities and their representative organizations in the development and implementation of humanitarian programmes.

29. Women and girls with disabilities faced multiple and intersecting forms of discrimination, which could have a profound impact on their lives. International and national legal frameworks on disability issues did not take into account the particular issues that women faced, while gender equality laws and policies tended to be ability-blind. In that connection, he welcomed the adoption of General Comment No. 3 on article 6 of the Convention on the Rights of Persons with Disabilities, in particular the steps set out in paragraph 62.

30. He welcomed the Secretary-General's recommendations on the inclusion of, and accessibility for, persons with disabilities at the United Nations, but noted that additional resources were likely to be needed to make the United Nations fully accessible for all people, which should be a matter of priority. The United Nations needed to improve its understanding of disability issues, especially in relation to travel, personal assistance and the provision of sign language interpretation. Reports needed to be issued in accessible formats, and remote access to participation at United Nations Headquarters should be advanced as soon as possible.

31. **Mr. Sandoval Mendiolea** (Mexico) called for the universal ratification of the Convention on the Rights of Persons with Disabilities as a matter of priority. It was disturbing that the most systematic human rights violations were being perpetrated by those who refused to engage in dialogue with human rights mechanisms; meanwhile, Governments with good intentions could be discouraged by a sometimes unwieldy system.

32. Mexico had a long-standing commitment to promoting human rights; it had strengthened the rule of law, boosted freedom of expression, extended protection for human rights defenders and supported the emergence of a vibrant and independent civil society. In addition, his Government was open to international scrutiny and had allowed more than 50 rapporteurs from the United Nations and the Organization of American States into the country over the previous 15 years.

33. Welcoming the report of the Secretary-General on the status of the human rights treaty body system (A/71/118), he said that in order for international human rights mechanisms to be credible they must be efficient and streamlined. In addition, it was important to build national capacity to ensure the timely submission of reports.

34. The New York Declaration for Refugees and Migrants and the proposed global compact for safe, orderly and regular migration represented a historic opportunity to reach a common understanding on how to address migration in a humanitarian manner, which was important given the current political climate of intolerance around the world.

35. **Ms. Thomas** (Cuba) said that Cuba was committed to working with all human rights treaty bodies that were non-discriminatory and universal in scope and in establishing a dialogue on the basis of mutual respect, sovereign equality and recognition of the right of each country to choose its own political system and institutions. General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system should not result in the creation of new mechanisms that extended the mandate of the treaty bodies. The treaty bodies were responsible for ensuring that States parties met their legal obligations under existing human rights instruments, not creating new obligations through general comments or follow-up procedures. They could not allow any manipulation or politicization of their work. There was a need for equitable and genuinely diverse geographic representation in the treaty bodies, to ensure that countries with different legal systems and regional, cultural, religious and political contexts were fairly represented and that those bodies were not dominated by representatives of the developed countries. In addition, it was important to ensure that the experts were independent and impartial.

36. With regard to the indication in the report of the United Nations High Commissioner for Human Rights (A/71/36) that the High Commissioner intended to pursue organizational changes in the Office, she asked the Office to provide as much information as possible about the proposed changes, given the impact they would have on relations with Member States and the Office's priorities. In that connection, she recalled that any changes must be approved by the General Assembly, in accordance with resolution 66/257 on progress towards an accountability system in the United Nations Secretariat.

37. **Ms. Anichina** (Russian Federation) said that the effective functioning of the system of human rights treaty bodies depended on strict adherence by those bodies to their mandates and also a willingness to

engage in constructive, mutually respectful dialogue with States parties. Unfortunately, it was not unusual for treaty bodies to deviate from their key task of assisting States in the implementation of their obligations under international human rights treaties. The concluding observations made by individual committees often exceeded their mandates, overlapped the area of competence of other committees and were tendentious in nature, based on unbalanced assessments aimed at promoting contentious concepts that were not supported by the majority of Member States. The numerous references in concluding observations to general comments were unacceptable as such comments were merely experts' opinions and could not impose any additional obligations on States, unless they were voluntarily undertaken by States. Similarly, the openness and impartiality of the work of treaty bodies were undermined by the practice of holding closed meetings with representatives of civil society during pre-session consultations.

38. Her delegation was concerned about the very limited ability of Russian civil society representatives to communicate with committee experts due to a lack of Russian-language interpretation. That situation amounted to discrimination, since it meant that only major international non-governmental organizations could participate.

39. Her delegation was prepared to continue discussion of the whole range of issues relating to the effective implementation of international human rights treaties and also the working methods of committees both with experts themselves and with other States. It believed that such dialogue would contribute to increased trust between States parties and treaty bodies, while also enhancing the work of those bodies.

40. In their work, the human rights treaty bodies must strictly adhere to the principle of international cooperation in accordance with the Vienna Declaration and Programme of Action. Cooperation was the only way to achieve progress in strengthening the promotion and protection of human rights and preventing human rights from being turned into a tool for exerting political pressure. Unfortunately, in recent times the international human rights forums had moved away from cooperation towards increasing politicization and confrontation.

41. There was still an acute need for the United Nations system to promote increased efforts to combat the escalation of contemporary forms of Nazism, racism and xenophobia. In that context, the spread of radical ideologies and of hate speech in the media and through information and communication technologies needed to be addressed by promoting tolerance and respect for traditional cultural, religious, moral and family values.

42. The Russian Federation was deeply concerned that human rights protection was losing its original meaning and becoming a way for certain States to promote their tactical interests. That trend could endanger the universality of human rights, impose narrow interpretations of human rights in the guise of universal standards, and erode the very concept of human rights.

43. **Ms. Bardaoui** (Tunisia) said that since 2011, Tunisia had sought to promote and protect human rights, and had ratified almost all of the human rights treaties and optional protocols of the United Nations, as well as other international treaties. Respect for human rights was one of the pillars of the country's new Constitution, adopted in 2014. To comply with its international human rights obligations, Tunisia had established a national human rights commission and a court for the prevention of torture, pursuant to article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, a number of Tunisian experts had been elected to the human rights treaty bodies.

44. Despite the challenges ahead, Tunisia was committed to making headway in areas such as security, the economy, the environment, infrastructure and development, and in building on progress made with regard to human rights. The prevalence of conflict, natural disasters, disease, drought, poverty, illiteracy and violence meant that, more than ever, there was a need to adopt a multidimensional approach to the protection of human rights. In that connection, she noted the importance of the Sustainable Development Goals.

45. **Ms. Arshad** (Pakistan) said that despite impressive achievements in mainstreaming human rights at the international level, through various covenants, protocols and mechanisms, blatant violations of human rights

continued to take place, often with a sense of impunity, and millions of people still lived in abject poverty. Human rights were interrelated and interdependent; civil and political rights were the foundation of human freedom and dignity, and the right to self-determination was a guarantor of all other human rights. The emergence of new manifestations of racial and faith-based discrimination and intolerance was very concerning. To prevent conflict among civilizations, national and international safeguards against racial discrimination and xenophobia should be strengthened and interfaith and intercultural dialogue promoted. Equal attention must be given to economic, social and cultural rights; fulfilment of the right to development would facilitate the achievement of civil and political rights.

46. Pakistan was deeply committed to protecting human rights. It had been a founding member of the Human Rights Council and was a party to all seven of the core human rights treaties. At the national level, the protection of fundamental rights was enshrined in the country's Constitution. The country had also established a national commission on human rights and a national commission on minorities. In addition, the country had passed comprehensive legislation to protect the rights of women, children and other vulnerable groups, including laws on rape, honour killings and harassment in the workplace. Steps had also been taken to empower women through reserved seats in legislative bodies, job quotas and equal access to credit and microfinance.

47. **Ms. Scott** (Namibia) said that her country had been working to implement the United Nations human rights instruments and was fulfilling its reporting obligations; OHCHR and other human rights mechanisms remained welcome in Namibia. Since its election to the Human Rights Council in 2013, Namibia had actively sought to implement and advocate policies on, inter alia, gender equality, the elimination of violence against women, the universal right to education and to health and the independence of the judiciary. Moreover, her Government had revisited legislation on contemporary forms of slavery and related practices, including trafficking in persons, especially women and children. It had worked to raise awareness of the issue and had successfully convicted perpetrators of such crimes.

48. Underdevelopment, unemployment and poor governance were often the underlying reasons for irregular migration. The right to development was therefore of critical importance. In that regard, the African Union's Agenda 2063 would enhance both governance and human rights, as it sought to promote gender equality as a fundamental human right, and the education and development of young people as a necessary foundation for a peaceful and inclusive Africa. Peace and security were also a cornerstone of sustainable economic development.

49. Namibia had achieved notable success to reducing child and maternal mortality rates. There was an important connection between human rights and programmes such as the Campaign on Accelerated Reduction of Maternal Mortality in Africa. Furthermore, her Government had operationalized Namibia's constitutional guarantee of the universal right to education through a policy of free primary and secondary education.

50. **Mr. Mehmood** (Iraq) said that, since 2003, his country had adopted new approaches in its foreign policy that were based on respect for the rule of law, democracy, human rights and the independence of the judiciary. Within that context, Iraq had acceded to eight of the nine core international human rights instruments and signed the two Optional Protocols to the Convention on the Rights of the Child. It had also fulfilled all its reporting requirements under the universal periodic review. Its reports had been drafted in a transparent manner by committees comprising members of all relevant national authorities. Iraq had also established committees to monitor the implementation of recommendations, adopted treaty reporting guidelines, and held consultative meetings with civil society organizations to ensure their full involvement in the process of drafting reports. Additionally, the draft reports were published on websites and in official newspapers to inform and obtain feedback from relevant stakeholders.

51. Iraq believed that international conventions could not be enforced unless they were supported by robust legislation for their implementation. The 2005 Iraqi Constitution had incorporated human rights principles in 10 core articles that addressed economic, political, civil and social and cultural rights, as well as the rights of women, children and minorities. The Constitution

also provided for the independence of civil society organizations. International conventions enjoyed the same legal status in Iraq as the country's domestic legislation, and his Government had also adopted laws on human trafficking, the rights of journalists, the rights of persons with disabilities and eradicating illiteracy. Iraq had also drawn up national strategies to promote the rights and interests of women and children and had launched agricultural, industrial and economic initiatives that were all in line with the country's obligations pursuant to international instruments.

52. On 16 October 2016, the Prime Minister of Iraq had underscored that, in its campaign to liberate Ninawa governorate from the control of terrorist gangs belonging to the Islamic State in Iraq and the Levant (ISIL), Iraq would steadfastly abide by all international standards on human rights and the protection of civilians while countering terrorism.

53. **Mr. Barros Melet** (Chile) said that his Government had worked to strengthen its institutional capacity to promote human rights by establishing a human rights department within the Ministry of Justice to improve the coordination and mainstreaming of such rights in Government policies and programmes. Chile had also consistently fostered and supported the provision of a safe space for the development of civil society, which enhanced the efficacy and legitimacy of State policies.

54. The appointment of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity was an important step towards recognizing the universality of human rights. The dignity of all peoples must be defended from violence, discrimination and exclusion to avoid the growth of extremism that dehumanized people on the basis of their race or religion or on other grounds. The vulnerability of the lesbian, gay, bisexual, transgender and intersex community in the prison system had been confirmed in the report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

55. Chile supported the implementation of United Nations Guiding Principles on Extreme Poverty and Human Rights, as extreme poverty constituted a denial of rights and damaged social cohesion. It also supported the Guiding Principles on Business and Human Rights, and was developing a national plan on the impact of large corporations on the enjoyment of human rights. It had launched its candidacy for the Human Rights Council for 2018-2020. In view of the growing demands being made on the Council, it was essential to increase the limited resources assigned to it and to OHCHR.

56. **Mr. Reddy** (India) said that all human rights were universal; yet civil and political rights were often highlighted at the expense of socioeconomic rights, which presented a challenge to implementation of the Vienna Declaration and Programme of Action. Sufficient resources must be allocated for the promotion, protection and fulfilment of the inalienable right to development, as a process through which all human rights were realized.

57. Despite the existence of multiple challenges to the promotion and protection of human rights, the United Nations human rights machinery was becoming increasingly politicized and selectively used, a trend most evident in the Human Rights Council. Only strict adherence to the principles of impartiality, non-selectivity and objectivity with a focus on universally recognized rights could ensure collective ownership of the human rights agenda within the United Nations system and deliver effective solutions. It was also important to respect the mandates of different mechanisms and avoid duplication of efforts.

58. A more consultative and inclusive approach was needed to identify the priorities and activities of OHCHR in order to enhance the ownership, relevance and uptake of its activities. The most effective way to address human rights challenges was through strengthening national institutions and mechanisms; the field presence of OHCHR should be based on a cooperative arrangement with the State concerned and focus on capacity-building. Intrusive monitoring was counterproductive and undermined national efforts.

59. The recommendations of the Joint Inspection Unit on the governance and management of OHCHR should be pursued in order to address longstanding issues related to its funding, staffing, transparency and accountability. The comprehensive implementation plan being developed by OHCHR for recommendations made under the universal periodic review should focus on accepted recommendations that took into account national capacities and circumstances; universality and equal treatment should continue to be the guiding

principles of the review, and tendencies to turn it into a platform for pushing selective human rights agendas must be resisted.

60. **Mr. Ajayi** (Nigeria) said that the promotion and protection of human rights was guaranteed in Nigeria's Constitution and remained one of his country's fundamental priorities. The Vienna Declaration and Programme of Action was the most comprehensive blueprint for the enjoyment of human rights; however, without collective commitment and action, neither the Declaration nor the 2030 Agenda could be achieved. Nigeria's national human rights commission and national action plan served as institutional frameworks for the monitoring and implementation of the Vienna Declaration. The action plan ensured the protection of social, cultural, economic, civil and political rights, as well as the rights of women and children and the rights to development, peace and a protected environment. Alongside national efforts, his Government supported regional and international strategies to promote and protect human rights.

61. Enjoyment of human rights was further guaranteed by the national industrial court, which heard cases affecting the civil rights of workers, particularly on matters relating to the workplace or conditions of service. Moreover, a military human rights desk had been established to address alleged human rights violations in the military and receive complaints, accusations or reports on soldiers. The desk's work had significantly reduced cases of alleged human rights abuse and had positively affected the conduct of soldiers.

62. Nigeria acknowledged the value of the universal periodic review; its universality made it unique and allowed all Member States to be assessed using the same yardsticks. His Government would continue to stress its condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance. It was unacceptable that migrants and refugees continued to be subject to marginalization and stigmatization, including socioeconomic exclusion and denial of access to education and health care. Nigeria would continue to engage actively in all international human rights bodies and particularly the Human Rights Council, where it would be running for re-election.

63. **Mr. Zulu** (Zambia) said that his country remained committed to combating discrimination and inequality, and to strengthening good governance, the rule of law and access to justice. It believed that in order to protect and promote human rights, a clear and consistent legal framework was needed, and it had established a number of institutions to address human rights issues. With a view to reforming the legal and judicial system to make it more efficient, accessible and accountable, his Government had established a legal and justice sector reforms commission, tasked with making appropriate recommendations, as well as a human rights commission to investigate human rights violations and propose measures to prevent human rights abuses. It had also established a constitutional court, a court of appeal and specialized courts to enhance citizens' access to justice and reduce the backlog of cases.

64. In 2015, Zambia had enacted a gender equity and equality act giving effect to the Convention on the Elimination of All Forms of Discrimination against Women. It had also recently held a referendum to amend the Constitution in order to revise the Bill of Rights to include civil and political rights; economic, social, cultural and environmental rights; marriage and family-related rights; and the rights of older persons, persons with disabilities and children and young people. Although the referendum results had not achieved the required threshold, his Government would continue work to ensure that those rights were included in the Bill of Rights.

65. **Ms. Bhengu** (South Africa) said that Member States should mark the fiftieth anniversaries of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights by achieving their universal ratification. The 2030 Agenda afforded an opportunity to ensure universal respect for and full realization of the right to development as an inalienable human right. South Africa fully supported the concept of the universality, indivisibility, interdependence and interrelatedness of all human rights, as encapsulated in the Vienna Declaration and Programme of Action.

66. Since 1994, South Africa had worked tirelessly to ensure the accessibility of all human rights and essential services. It had prioritized economic, social and cultural rights through its national development plan's Vision 2030 programme. South Africa placed a high premium on the progressive realization of

economic, social and cultural rights, as evidenced by its constitutional jurisprudence, which was informed by the concept of the justiciability of those rights. It looked forward to working closely with the Committee on Economic, Social and Cultural Rights to follow up on Human Rights Council resolution 4/7.

67. **Mr. Rasuli** (Afghanistan) said that growing threats of terrorism and violent extremism continued to challenge the very principles of freedom and human rights in his country. Nonetheless, in order to create a peaceful and secure society where justice and the rule of law were preserved and human rights were respected, Afghanistan had developed a national sustainable reform agenda. The agenda incorporated good governance in all sectors and was centred on the promotion and protection of human rights. At the Brussels Conference on Afghanistan in October 2016, his Government had launched a national peace and development framework which set out strategic policy priorities to achieve self-reliance. The framework underscored the urgency of reducing poverty by creating employment and addressing widespread problems such as child malnutrition, access to education and health care, food insecurity, poor sanitation, and conflict-related impoverishment.

68. The promotion and protection of human rights was one of the main pillars of Afghanistan's priority programmes, while women's economic empowerment was crucial to their successful implementation. A national action plan on implementation of Security Council resolution 1325 (2000) on women, peace and security had also been launched in late 2015. The plan aimed to increase women's active participation in the peace process and in decision-making across all sectors, especially at executive levels of the civil service, and in health care, support for survivors of sexual and domestic violence, education and employment, and protection of women and girls from all types of violence and discrimination.

69. Since the fall of the Taliban, Afghanistan had made significant progress towards realizing human rights and, as a State party to the core international human rights treaties, it had successfully submitted its reports, including under the universal periodic review. Moreover, the provisions of conventions to which Afghanistan was party had been incorporated into recent legislative acts. He called for support for Afghanistan's candidacy for membership of the Human Rights Council, so that the country could, inter alia, share its experiences of promoting human rights as a country at the forefront of combating terrorism and violent extremism.

70. **Ms. Moldoisaeva** (Kyrgyzstan) said that men and women in her country had equal rights and freedoms, as well as equal opportunities to realize them. The national sustainable development strategy for the period to 2017 accorded priority to human rights and freedoms. Kyrgyzstan had acceded to eight of the nine international human rights treaties and accepted obligations under more than 40 additional United Nations conventions, a number of International Labour Organization conventions, and also the Helsinki Final Act of the Organization for Security and Cooperation in Europe. Over the years of independence, the development of civil society had been fostered, and over 10,000 non-governmental organizations were active in Kyrgyzstan. The ombudsman's office had been operating since 2002. The national centre for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, established in 2013, had unlimited access to places of detention without prior notice and issued recommendations on measures to be taken.

71. It was extremely important for human rights treaty bodies to hold constructive dialogues with States parties so that their conclusions and recommendations were in line with the specific conditions and needs of the countries involved and were truly implementable. A coordinating council on human rights had been established in Kyrgyzstan to monitor the observance of human rights and coordinate implementation of the recommendations made by treaty bodies Kyrgyzstan actively cooperated with United Nations special rapporteurs, seven of whom had visited the country. The second universal periodic review, conducted in June 2015, had shown that Kyrgyzstan had adopted over 77 per cent of the country-specific recommendations and had completed its reporting obligations to seven United Nations treaty bodies.

72. **Ms. Nunoshiba** (Japan) said that her country had been contributing to resolving human rights issues of concern to the international community through multilateral forums and bilateral dialogues. In February 2016, Japan's combined seventh and eighth periodic

report had been considered by the Committee on the Elimination of Discrimination Against Women in a constructive and productive dialogue. Japan had introduced specific measures to create a legal framework related to women's empowerment, and had also made international efforts, such as hosting the World Assembly for Women. In June and July 2016 it had also submitted periodic reports to the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances.

73. In line with the recommendations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the Japanese Parliament had adopted a bill to combat hate speech in May 2016. The bill prohibited any kind of exclusion based on ethnicity or nationality, and stipulated that the national and local governments had a responsibility to combat discriminatory behaviours. Her Government would engage proactively to raise awareness of the problem of hate speech and the importance of embracing diversity with a view to establishing a society in which everyone's human rights were respected.

74. While her Government appreciated the tireless efforts and achievements of the human rights treaty bodies, it believed that their efficiency would be improved by measures such as the simplified reporting procedure. Japan welcomed the training sessions held in the Asia-Pacific region on capacity-building, which would contribute to further improving the human rights situations in each Member State.

75. **Mr. Sukhee** (Mongolia) said that in April 2016 his Government had adopted a second national plan to implement 150 recommendations submitted under the universal periodic review, with the active participation of civil society. Mongolia supported the principles of non-selectivity, universality and indivisibility of human rights and firmly believed that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue.

76. His Government was undertaking legal reforms to harmonize national legislation with international human rights standards. In addition to ratifying a number of conventions and other instruments, Parliament had passed laws in February 2016 on the rights of children, the protection of children, and the rights of disabled persons, all of which incorporated provisions of relevant international treaties to which Mongolia had acceded. His Government's newly adopted Action Plan provided for the promotion and protection of human rights in core sectors by improving the judicial system and ensuring guarantees for human rights and freedoms.

77. **Mr. Dehghani** (Islamic Republic of Iran) said that although the right to development played a crucial role among all human rights, some countries tried to interpret that right as an individual right, rather than a collective right, even though they agreed that many civil and political rights like freedom of speech and of peaceful assembly were not only individual but also collective rights. The thirtieth anniversary of the Declaration on the Right to Development afforded an opportunity to ensure a vital enabling environment to meet the Sustainable Development Goals. His delegation wished to place on record its dissatisfaction with the use of non-consensual and highly controversial terms in the report of the United Nations High Commissioner for Human Rights; those terms could not create any precedent or commitment for Member States.

78. The Vienna Declaration and Plan of Action paid particular attention to national and regional particularities as well as the religious, historical and cultural backgrounds of Member States. It was very important for the international community to take into account religious and national particularities as well as cultural diversities in order to decelerate the growing trends of racism, racial discrimination, xenophobia and related intolerance which were threatening some societies around the world. There was an urgent need to take collective preventive action against violent extremist groups such as Islamic State in Iraq and the Levant (ISIL) that distorted Islam by committing heinous crimes against innocent people.

79. Iran hosted the Non-Aligned Movement's Centre for Human Rights and Cultural Diversity, which aimed to achieve the goals of the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity. The Centre had created a human rights forum to promote dialogue and the sharing of views on human rights issues.

80. **Mr. Muhamedjanov** (Tajikistan) said that his country guaranteed human rights and freedoms in its Constitution. It recognized the central role of the Human Rights Council in the promotion and protection

of human rights and believed that the Council should promote universal respect and protection of human rights and fundamental freedoms for all, without any distinction, on a just and equitable basis. It condemned all forms of discrimination and supported comprehensive implementation of the Durban Declaration and Programme of Action. Human trafficking was among the worst violations of human rights; greater attention should be focused on strategies to protect and rehabilitate its victims.

81. Tajikistan had received support from OHCHR in a number of areas, including the preparation of reports to United Nations treaty bodies, implementation of the State programme on human rights education, and the work of the Ombudsman for Human Rights. In addition, eight Special Rapporteurs had visited Tajikistan in the past decade. His Government was making every effort to implement the recommendations of the Universal Periodic Review of May 2016. Of the 203 recommendations received, it had approved 119 and agreed to consider another 70.

82. **Ms. Shang** Chenglin (China) said that all States parties should implement the provisions of General Assembly resolution 68/268 in a comprehensive and balanced manner and participate fully in the relevant follow-up actions. The effective implementation of the resolution depended on communication and cooperation among States parties, human rights treaty bodies and OHCHR. All actors should conduct consultations in an open, transparent and balanced manner, rather than taking a selective approach.

83. Some elements of the San José Guidelines against intimidation or reprisals referenced in the report of the 28th Meeting of Chairpersons of Human Rights Treaty Bodies were not in conformity with treaty provisions and created additional obligations for States parties. Although the original intent of the Guidelines had been to better implement human rights instruments, consultations should have been conducted with States parties and treaty bodies, and the Meeting of Chairpersons should not have taken unilateral action. The Guidelines should not be disseminated or enforced in the absence of consensus. Treaty bodies must uphold the principles of objectivity, impartiality and independence in their work and avoid overstepping their mandates.

84. China had always attached importance to the role of civil society, including non-governmental organizations, in the promotion and protection of human rights. It believed that non-governmental organizations must comply with United Nations rules if they wished to participate in the activities of treaty bodies. Those bodies should attach importance to documents submitted by governments of States parties and must screen documents submitted by other organizations and individuals to ensure their accuracy and reliability.

85. Her Government conscientiously fulfilled its treaty obligations and maintained good communications with all human rights treaty bodies. In November 2015, China had given the Committee Against Torture a comprehensive presentation on its progress in implementing the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Her Government conscientiously implemented its treaty obligations and had maintained good communications with all human rights treaty bodies.

86. **Ms. Soulama** (Burkina Faso) said that Burkina Faso had acceded to almost all the international and regional instruments for the protection of human rights and was strengthening its legislation guaranteeing collective and individual rights. Her Government was implementing a number of policy documents including the National Economic and Social Development Plan, the adoption of which had demonstrated the country's commitment to making human rights central to its development policy. National policies on human rights and promotion of civic responsibility and on justice had also been adopted to consolidate the rule of law and enhance the effectiveness of human rights in the service of peace and sustainable development.

87. Burkina Faso had fulfilled its commitments under international human rights instruments, having submitted a number of reports to treaty bodies and as part of the Universal Periodic Review. Her Government was now working on ensuring that all citizens could enjoy their human rights without discrimination, and had signed cooperation agreements on human rights with neighbouring countries to benefit from their experience.

88. **Mr. Momen** (Bangladesh) said that his country had signed, ratified or acceded to almost all the key human rights instruments and was fulfilling its obligations to treaty bodies and submitting reports regularly. Constitutional and statutory laws protected

fundamental freedoms and human rights, with special laws ensuring the rights of women, children, minorities and other vulnerable groups. The National Human Rights Commission had begun operating in September 2008 to promote and protect the human rights of Bangladeshi citizens independently. Following the successful completion of the second Universal Periodic Review in 2013, Bangladesh had readily accepted 164 of the 196 recommendations made.

89. Bangladesh urged the United Nations to play its part in protecting the human rights of all migrants in accordance with the New York Declaration for Refugees and Migrants; all countries should commit to protect the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status. His Government believed that the human person was the central subject of development and should be an active participant and beneficiary of the right to development. Bangladesh also affirmed its commitment to ensuring the human rights and freedoms of all persons with disabilities.

90. **Ms. Horbachova** (Ukraine) said that her delegation reaffirmed its commitment to the promotion and protection of human rights and fundamental freedoms in compliance with existing international standards, which were the cornerstone of reforms currently being implemented in Ukraine as an essential component of its European integration. An important part of that process was the implementation of the national strategy for human rights and an action plan up to 2020.

91. Effective monitoring by international and regional human rights mechanisms and the provision of objective information to the international community about the real human rights situation in Ukraine was of crucial importance in view of the ongoing Russian aggression. Such monitoring was a very efficient instrument to record violations of human rights and international humanitarian law perpetrated by the occupying forces in Crimea, as well as crimes committed by the regular Russian army and illegal Russian-controlled armed groups in the Donetsk and Lugansk regions.

92. Ukraine was implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority, and, during the visit to Ukraine of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, it had granted unrestricted access to any location the delegation wished to inspect. Over 10 years earlier, Ukraine had extended a standing invitation for all special procedures to visit the country.

93. Ukraine was cooperating closely with the OHCHR and its monitoring mission, which contributed significantly to impartial reporting to the world community about the human rights situation. International scrutiny of the occupied territories in the east of the country and in Crimea remained an open issue within the mission's mandate; her delegation expected the human rights situation in the illegally occupied Autonomous Republic of Crimea and the city of Sevastopol to be documented in a future OHCHR thematic report.

94. **Ms. Chand** (Fiji) said that her Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in March 2016 and had identified areas for its implementation. Priorities included the reform of police interrogation procedures through video recording of police statements, ensuring an effective right to counsel, and the establishment of a protocol for rules of admissibility approved by the judiciary. A pilot scheme for the First Hour project, which would ensure the presence of a solicitor within the first hour of custody to explain the right to counsel, would start in November 2016 and was being supported by the European Union's Access to Justice project. A trial project on video recording of police statements was being undertaken, following training of police officers supported by the United Nations Development Programme and the British High Commission.

95. Her Government's efforts to implement the reforms already underway had been showcased at a side event of the thirty-third session of the Human Rights Council, at which the Fiji Police, Legal Aid Commission, Director of Public Prosecutions and Chief Justice had given a presentation. The Chief Justice was currently working on a draft guideline for judges and prosecutors on the requirements for admitting videotaped statements. Discussions were currently ongoing about defining torture as a new offence, reviews of police and corrections manuals, and the upgrading of cell facilities in all police stations.

96. **Ms. Goldrick** (Nicaragua) said that her Government guaranteed the full enjoyment of all human rights for all Nicaraguans, including indigenous populations, persons with disabilities, women and girls, and migrants, through its policy of restitution of rights incorporated in the National Human Development Plan, which aimed to improve living conditions and promote economic growth, employment and poverty reduction. In order to fully achieve human rights for all, the right to development must be guaranteed, requiring developed countries to meet their commitment to spend 0.7 per cent of their gross national product on official development assistance, and to ensure new and predictable financial resources, transfer of technology and capacity-building, debt alleviation and restructuring and greater participation of developing countries in global economic governance.

97. Her Government was working on a comprehensive draft law to help prevent violence against women and improve access to justice for victims of domestic and sexual violence. It had improved conditions in prisons, providing inmates with better study facilities and options for academic study and career development.

98. Nicaragua had signed all the international human rights instruments and abided by its commitments and reporting requirements. It respected international law and the equality of States, and therefore did not accept unilateral measures or partial lists directed against specific countries.

The meeting rose at 6 p.m.

United Nations A/C.3/71/SR.21

General Assembly
Seventy-first session

Official Records

Distr.: General
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Third Committee

Summary record of the 21st meeting
Held at Headquarters, New York, on Wednesday, 19 October 2016, at 10 a.m.

Chair: Ms. Mejía Vélez ..... (Colombia)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

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16-18161 (E)

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The meeting was called to order at 10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40)

(a) Implementation of human rights instruments (*continued*) (A/71/44, A/71/48, A/71/118, A/71/268, A/71/270, A/71/272, A/71/289, A/71/298, A/71/341 and A/71/385)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/71/36)

1. **Mr. Ruiz Blanco** (Colombia) said that human rights had suffered during his country's 50-year armed conflict. Ending it was thus a central priority. His President's commitment to negotiating a lasting peace signalled a parallel commitment to strengthening human rights as a part of the peacebuilding process.

2. Colombia had made significant legal progress and institutional changes aimed at recognizing the rights of all Colombians, particularly victims of the conflict. Grave violations of human rights were being investigated and their perpetrators brought to justice.

3. Colombia had ratified most of the international human rights treaties and complied fully with its obligations under them, including its reporting obligations. In 2015 it had presented its fourth and fifth reports under the Convention on the Rights of the Child and its combined fifteenth and sixteenth reports under the International Convention on the Elimination of All Forms of Racial Discrimination. It remained strongly committed to the universal periodic review mechanism and would work to strengthen it.

4. His Government was grateful to the Office of the United Nations High Commissioner for Human Rights for its help in strengthening human rights capacities and its cooperation with government institutions, civil society organizations and the international community in the field of human rights. It would continue to make human rights a priority in the context of its commitment to building peace, strengthening democracy and promoting equitable and inclusive development.

5. **Ms. Mortaji** (Morocco) said that her country had ratified most of the international human rights conventions, including the International Convention for the Protection of All Persons from Enforced Disappearance, and it was one of the originators of the Convention against Torture Initiative to promote universal ratification of the Convention. It had also recently ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Civil and Political Rights.

6. At the national level, Morocco had strengthened its laws and institutions to combat torture, and its implementation of transitional justice was considered exemplary. Its 2011 Constitution recognized universal human rights, criminalized grave violations thereof and established national human rights institutions. It had recently adopted a new, humanistic policy on migration and asylum, and it had also taken steps to improve the legal and institutional framework in the areas of immigration, asylum and human trafficking. It had enacted a law banning the trial of civilians in military courts, and it was working to combat corruption.

7. In accordance with its commitment to economic, cultural and social rights, it promoted all linguistic and cultural expressions. In 2005 it had begun a national human development initiative for its poorest communities, and in 2013 it had launched a new development model for the southern provinces. More recently, in 2015, it had passed laws aimed at strengthening local democracy and broadening the role of regional government.

8. **Mr. Sisa** (Botswana) said that, in view of the chronic underfunding of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which provided aid to victims of modern slavery, Botswana supported the proposed additional outreach and the idea of creating a group of friends of the Fund.

9. The work of the Office of the United Nations High Commissioner for Human Rights included popularizing human rights issues, conducting capacity-building activities and reporting human rights abuses and violations. Recently, it had spearheaded efforts to integrate human rights into the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change. It had also begun to work with civil society and the private sector, rather than limiting itself to States and United Nations entities. In view of its broadening mandate, Botswana supported the appeal for more resources for the Office.

10. **Mr. Mikayilli** (Azerbaijan) said that the 2030 Agenda should help to raise the profile of economic, social and cultural rights, which received inadequate attention. His Government was concerned at the double standards, selectivity and increasing politicization evident in the Human Rights Council. The universal periodic review ensured equal treatment for all States and should be preserved. Azerbaijan had totally or partially accepted most of the recommendations from its 2013 universal periodic review and had submitted voluntary mid-term reports on their implementation.

11. His Government welcomed the improved efficiency and effectiveness of the treaty body system and encouraged the treaty bodies to step up their harmonization efforts. Azerbaijan had acceded to almost all of the core human rights treaties, was working to domesticate them and complied fully with its reporting obligations. It had extended a standing invitation to the special procedures mandate holders, and in 2016 it had hosted visits by the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders. During its visit in April 2015, the Subcommittee on Prevention of Torture had enjoyed unhindered access. His Government looked forward to productive cooperation and open dialogue with the United Nations human rights machinery.

12. **Mr. Zhemeney** (Kazakhstan) said that, in the 10 years since the establishment of the Human Rights Council, it had promoted the protection of human rights effectively and had demonstrated its ability to respond quickly to mass and flagrant human rights violations in different parts of the world. However, Kazakhstan was concerned at the Council's increasing politicization and well as the issue of implementing its resolutions and decisions. The ability to assess progress and monitor implementation was critical. Kazakhstan valued the experience it had acquired both as Vice-Chair of the Council and as an observer State.

13. Since independence, Kazakhstan had endeavoured to strengthen its national human rights system. In furtherance of its goal of joining the top 30 most developed countries, it was implementing institutional reforms designed to ensure fair competition; rule of law; high standards of legal culture; a transparent, accessible and efficient judicial system and a responsible and accountable law enforcement system. In 2016, it had appointed its first ombudsman for children.

14. Kazakhstan had successfully completed the second cycle of the universal periodic review and regularly presented reports to the relevant convention committees. Ten special procedures mandate holders had visited in a short period of time, and in September the Subcommittee on Prevention of Torture had made its first visit.

15. **Ms. Bellout** (Algeria) said that the promotion and protection of human rights equally for all citizens was enshrined in her country's Constitution and had been strengthened by recent constitutional reforms. A new law prohibited gender-based discrimination, and the amended Criminal Code provided greater protection for children.

16. Algeria welcomed the efforts of the Human Rights Council to help States build human rights protection capacity. It valued the universal periodic review system and participated in it actively. Looking to the future, it would be necessary to maintain the global nature of the Council's work, as well as to strengthen its role, improve transparency and reduce selectivity and politicization. The right to development should be at the centre of the collective efforts of the international community to promote and protect human rights.

17. **Mr. Cassidy** (International Labour Organization (ILO)), welcoming the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/71/385), said that, as indicated in the report, those gateway rights remained inaccessible to the majority of workers and were increasingly threatened by disruptive changes in the global economy. The situation was bleakest for workers in vulnerable situations, such as migrants, women and domestic workers, as well as workers in informal and rural economies.

18. To achieve the goal of decent work for all, it would be necessary to ensure that international labour standards were applied equally across the globe through effective partnerships and innovative action. ILO research and experience had shown that freedom of assembly and association were essential for dialogue among the social partners, which was a key driver for achieving decent work, reducing poverty and

improving conflict resilience. As the globally accepted baseline for fair treatment in the workplace, they should be protected and promoted by all States, in accordance with the recommendations in the Special Rapporteur's report. People must be allowed to have a voice at work and in society in order to advocate for their interests in conditions of dignity and respect.

The meeting rose at 10.35 a.m.

A/C.3/71/SR.22

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United Nations A/C.3/71/SR.22

General Assembly
Seventy-first session

Official Records

Distr.: General
7 November 2016

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Third Committee

Summary record of the 22nd meeting
Held at Headquarters, New York, on Wednesday, 19 October 2016, at 3 p.m.

Chair:	Ms. Mejía Vélez (Chair)	(Colombia)
later:	Mr. Glossner (Vice-Chair)	(Germany)
later:	Ms. Mejía Vélez (Chair)	(Colombia)

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Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(c) Human rights situations and reports of special rapporteurs and representatives

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16-18221 (E)

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The meeting was called to order at 3 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40 and A/C.3/71/4)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385 and A/71/405)

(c) Human rights situations and reports of special rapporteurs and representatives (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418 and A/71/439)

1. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), introducing his report (A/71/36), said that despite a number of landmark multilateral commitments, most notably the 2030 Agenda for Sustainable Development, the global consensus around fundamental principles upholding the international system had repeatedly broken down. Although there were encouraging signs of a new global consensus around fighting extreme poverty, during the reporting period a resurgence of intolerance against migrants and racial and religious minorities had presented challenges.

2. Unilateral restrictions by States on migrants and refugees had led to terrible and unnecessary suffering. However, the Summit for Refugees and Migrants held in September 2016 had initiated the process to develop a global compact on safe migration which would enable more rights-based and equitable responses. The Office of the High Commissioner for Human Rights (OHCHR) was prepared to help States develop and implement that compact. There was an urgent need for approaches that embraced human mobility, and although the factors that forced people to leave their homes must be addressed, the resilience, determination and resourcefulness of migrants were assets for all countries.

3. **Ms. Mendelson** (United States of America) said that the High Commissioner, at the September 2016 session of the Human Rights Council, had spoken at length about the growing number of Member States that were denying access to OHCHR and the special procedures of the Human Rights Council. Furthermore, attacks on civil society and repression of dissent around the world were worrying trends, and the United States had noted a pattern whereby certain countries had tried to restrict the participation of civil society organizations at the United Nations as well. For example, non-governmental organizations that focused on lesbian, gay, bisexual and transgender issues had been prevented from participating in high-level meetings. She asked how civil society engagement could be fostered at the United Nations in the face of strong opposition from some countries.

4. *Mr. Glossner (Germany), Vice-Chair, took the Chair.*

5. **Mr. Yao** Shaojun (China) said that his country had some serious concerns regarding the work of the High Commissioner and OHCHR. Although the High Commissioner and OHCHR should be exemplary in their adherence to the Charter of the United Nations, the High Commissioner had recently conferred an award on a criminal who had committed the crime of secession, and employed a separatist who continued to advocate separatist ideas after joining the Office.

6. The High Commissioner and OHCHR should fully respect differences in stages of development and the historical and cultural traditions of different countries and promote international cooperation for human rights, rather than impose certain human rights notions that were particular only to certain countries. Furthermore, the High Commissioner and OHCHR should be impartial, objective and non-selective and prevent the politicization of human rights. OHCHR should also improve its efficiency and transparency and address the imbalance in the geographical distribution in its staffing.

7. **Mr. Dehghani** (Islamic Republic of Iran) said that greater use should be made of the High Commissioner's role in promoting a constructive atmosphere in order to advance dialogue and

cooperation and to avoid double standards, polarization and politicisation. Two ongoing crises in the Middle East had elicited noticeably different reactions from the High Commissioner. The illegitimate invasion of the poorest country in the region had resulted in devastation. Yet, the High Commissioner's reaction had been less than expected, compared with his response to another situation in which a legitimate Government was being ferociously destabilized by the worst terrorist groups of the world and their allies. Flagrant and systematic violations of the human rights of the Palestinians deserved the constant attention of the High Commissioner. Israeli forces and authorities continued to commit crimes against Palestinians in their own homeland and the international community could not and should not witness those crimes over the years without any decisive action to stop them.

8. Any initiative to rationalize the functioning of the Office of the High Commissioner must be conducted in close consultation with Member States in a transparent manner, on the basis of universality, non-politicisation and non-selectivity and with attention to the equitable geographical distribution of its staff. Approval by the General Assembly was a prerequisite.

9. As many as 50 countries had human rights advisers on their United Nations country teams. Yet, despite the alarming increase in police brutality, violations of human rights of migrants and children, which, along with the resurgence of racism, xenophobia, hatred and aggressive nationalism, served as a breeding ground for terrorism, it was still unclear whether the Office could have a presence in the field in developed countries such as the United States. The priorities and principles governing the work of the Office were decided on by Member States. Controversial terms, put forward as Office priorities, did not constitute any commitment on the part of Member States or have any bearing on them.

10. **Mr. Said** (Eritrea) said that Eritrea's partnership with OHCHR had been growing in recent years and his country was committed to strengthening that partnership. While country-specific mandates and double standards were confrontational and counterproductive and undermined efforts to promote and protect human rights, the universal periodic review was a meaningful mechanism for promoting human rights internationally. In May 2016, Eritrea and the United Nations had signed a memorandum of understanding to strengthen its national capacity in the implementation of the universal periodic review recommendations that it had accepted. The memorandum of understanding covered a number of areas, namely development, equity, social services, justice and international cooperation.

11. **Ms. Rasheed** (Observer for the State of Palestine) said that Israel's widespread and systematic violations of international law in the Occupied Palestinian Territory, including home demolitions, evictions, and the siege of the Gaza Strip were continuing with impunity and contempt for international law. She asked the High Commissioner to give an update on the progress that OHCHR had made in implementing the Human Rights Council request for a public database of all businesses involved in Israeli settlement activities and a comprehensive review detailing the status of implementation of the recommendations contained in relevant United Nations reports on the Occupied Palestinian Territory.

12. Her country shared the concern regarding persistent non-cooperation of States with special procedures mandate holders and other United Nations mechanisms. For example, Israel had not cooperated with the previous Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, severely obstructing his work and prompting him to resign. She asked the High Commissioner to describe the measures OHCHR was taking to put an end to Israel's non-cooperation, and what was being done to ensure that the current Rapporteur's mandate was not obstructed.

13. **Mr. Kelly** (Ireland) said that his country was concerned about the growing trend toward non-cooperation with OHCHR, particularly the refusal of Member States to grant OHCHR and other human rights mechanisms access to their countries. Ireland supported the continued efforts of OHCHR to facilitate interaction between the special procedures and other international human rights mechanisms, regional human rights systems, the wider United Nations system, Member States and civil society. He would like to hear more about ways in which interactions between the special procedures and other international human rights mechanisms could be enabled, at what levels,

and any organizational changes that would enable better support for rights-holders.

14. **Mr. Ruiz Blanco** (Colombia) said that Colombia had made significant strides towards peace, with levels of violence at a 50-year low. The joint work undertaken by OHCHR and entities in Colombia had been pivotal in building national and regional response capacity. His delegation was prepared to maintain its permanent dialogue with OHCHR and supported the High Commissioner's mandate, which it hoped would be renewed. The Office should continue its work in Colombia and in all countries which needed and requested its assistance. At the same time, it should be able to make any changes to its structure and procedures considered necessary.

15. **Ms. Belskaya** (Belarus) said that, although OHCHR had launched many initiatives, their effectiveness had been questionable. Of late, it had tended to draw a line between civil society and the State, even though civil society could not legally exist as separate from the State and was bound by obligations conferred on it by the fundamental international human rights treaties. Civil society was starting to become a force that did not complement the State, but rather incited instability, conflict and violence. She invited OHCHR to focus its work on dialogue with Member States, and emphasized the need to respond appropriately to allegations by human rights defenders about the human rights situation.

16. The growth of the treaty body system and the increase in the number of special procedures mandate holders and of recommendations and instructions to States would not enhance the effectiveness of the Office, but diminish it because of the heavier workload. Consequently, many documents had not been ready at the start of the current Third Committee session. In addition, treaty bodies had not complied with the General Assembly resolution on strengthening and enhancing the effective functioning of the human rights treaty body system, meaning that Member States were unable to comply with their periodic reporting obligations. The Human Rights Council was faring little better: it had a heavy agenda, decisions were increasingly adopted without consensus and funds were spent on dubious initiatives and mandates, some of which disregarded national values and the interests of the majority of States. Member States should return to the practice of seeking agreement within the United Nations, rather than settling scores with one another. Greater transparency in recommendations and plans drawn up by OHCHR would also be appreciated; there had been worryingly few consultations with Member States regarding the Change Initiative.

17. **Mr. Sobral Duarte** (Brazil) said that the work of OHCHR and the other human rights bodies and mechanisms, including the activities conducted as part of the International Decade for People of African Descent, and the Free and Equal campaign, had provided invaluable opportunities to better understand and overcome the challenges faced by his country. He wished to reiterate his Government's full support for the fulfilment of the High Commissioner's mandate and to emphasize the unconditional commitment of Brazil to achieving the highest standards of human rights, which formed the basis of its candidacy to the Human Rights Council for the period 2017-2019.

18. His delegation welcomed the additional attention that OHCHR had been paying to protecting and promoting the human rights of refugees and migrants and to combating xenophobia, and would be interested in hearing more about possible initiatives to counter hate speech and on practical measures that could be promoted by the General Assembly to address rising intolerance and violence.

19. **Mr. Jelinski** (Canada) said that his country was concerned about the shrinking of civil society space, including on line, as well as restrictions to freedom of expression, growing inequality, rising intolerance and the challenges faced by human rights defenders and civil society organizations, including reprisals against those cooperating with OHCHR. In order to address emerging threats to human rights and to respond to the needs of the most vulnerable, the available tools must be utilized. He asked what actions were envisaged for OHCHR to enhance field operations and increase partnerships.

20. **Ms. Stamescu** (Romania) said that the international community must act to put an end to human rights violations. In that context, Romania deplored the lack of cooperation of some countries with the High Commissioner and with the mechanisms of the Council, a state of affairs that harmed the mandate of the High Commissioner and undermined the exercise of human rights. Romania was concerned

by the deteriorating humanitarian situations in Syria, the Middle East and some African countries, and reiterated its opposition to the death penalty. She inquired about the capacity of OHCHR to react to rapidly changing human rights crises, and how cooperation among Member States could be improved in order to respond to such situations.

21. **Ms. Anichina** (Russian Federation) said that there had been growing misunderstanding between Member States and OHCHR in the past year about the mandate of the Office. The Russian Federation could not support the approach of making groundless, confrontational criticisms. Under General Assembly resolution 48/141, the High Commissioner could make constructive comments to express concern and draw the attention of the international community to the human rights situation in a given country, but must refrain from politically biased or groundless accusations. Previous statements by OHCHR about the work and decisions of United Nations intergovernmental bodies and the positions of Member States were not only outside its mandate, but also violated Articles 100 and 101 of the Charter of the United Nations. Furthermore, many statements by the High Commissioner were politically biased and overly swayed by emotion. The shift in approach towards monitoring functions exclusively was also worrisome. While it was important to identify and bring to justice all those responsible for violating human rights, OHCHR should provide national bodies with technical and consultative assistance, but not be involved in actually conducting investigations.

22. It seemed that the misunderstanding about the mandate could be resolved through closer compliance with United Nations rules and regulations, such as by agreeing with Member States on the fundamental programmes and projects of OHCHR, notifying United Nations intergovernmental bodies of the High Commissioner's strategic goals in advance and discussing the basic parameters of its strategic framework programmes, especially programme 20 on human rights. The Russian Federation would not turn a blind eye to attempts by OHCHR to acquire powers in excess of those conventionally conferred on bodies of the United Nations Secretariat.

23. **Mr. Habib** (Indonesia), referring to the campaigns conducted by OHCHR on the moratorium on the use of the death penalty, said that each sovereign country had the right to decide how it wished to approach the issue. In addition, given that the Human Rights Council was a key intergovernmental body, OHCHR support for the Council's work should be sustainably strengthened. Lastly, his delegation would welcome more information on the change initiative, since the restructuring process would have significant implications for States as well as for the management of OHCHR.

24. **Mr. Minami** (Japan) said that the relationship between the peace and security and the human rights pillars of the United Nations was vital, since conflict prevention depended on the monitoring of the human rights situation. He asked how the High Commissioner intended to strengthen the working relationship of his Office with bodies of the United Nations specializing in peace and security, and above all, the Security Council. He also wished to know how his Office would strengthen its relationships with other bodies of the United Nations system as part of its engagement to the implementation of the 2030 Agenda.

25. His delegation was interested in the Change Initiative because it advocated strengthening OHCHR presence on the ground. Expressing concern about the effect of the increased number of posts at D-1 level on cost neutrality, he requested more detailed information on how the Change Initiative would affect the relationship between the Office and country teams. He agreed with other delegations that the denial of access to OHCHR staff, special rapporteurs and mandate holders was a cause for concern.

26. **Mr. Shearman** (United Kingdom) said that the United Kingdom supported the independence of OHCHR and its work under the Human Rights Up Front agenda. With his country's strong track record and previous contributions to the United Nations in the area of human rights, it was pleased to be running for re-election to the Human Rights Council. Its election pledge showed the unwavering commitment of the United Kingdom to the promotion and protection of universal rights across the United Nations system. He asked how to reverse the worrying increase worldwide in restrictions of the rights of civil society and strengthen recognition that a strong civil society not only protected the freedom of expression and assembly,

but also contributed to sustainable economic and social development and stability.

27. **Ms. Vilde** (Latvia), reaffirming her country's unwavering support for the independence of the High Commissioner for Human Rights and its appreciation for the rapid response of OHCHR to urgent human rights situations, said that all States must cooperate with United Nations human rights mechanisms if they were to have an impact, and her delegation was particularly concerned by the growing trend towards refusing access to OHCHR and its mechanisms. Latvia was a long-standing advocate of the special procedures, and while the issuing of standing invitations to the special procedures was crucial, it was only a first step in establishing genuine cooperation between mandate holders and States. Latvia was also concerned about the growing workload of the Human Rights Council and by attempts to obstruct its work. She asked what measures could be taken to boost the Council's capacity and efficiency.

28. **Mr. Elmajerbi** (Libya) underscored the importance of strengthening the partnership between OHCHR and the United Nations Support Mission in Libya (UNSMIL) with a view to providing coordinated human rights technical assistance and other forms of support to his country, in accordance with Human Rights Council resolution 31/27. His country had taken note of the recent proposal that an independent expert should be appointed to Libya. It believed, however, that that appointment would create yet another human rights mechanism in Libya, at a time when there were already several mechanisms operating on the ground, including the UNSMIL Human Rights, Transitional Justice and Rule of Law Division. Libya was, moreover, still striving to implement the recommendations made by the OHCHR Investigation on Libya. Rather than creating yet another mechanism, his delegation believed it would be more appropriate to focus on providing Libya with the political and security assistance it needed, which would, in turn, have a positive impact on the human rights situation there. In particular, the international community should support the ongoing efforts by the Presidency Council of the Government of National Accord to strengthen accountability mechanisms and the rule of law, and address key threats to human rights in Libya, including terrorist-related activity and the dangers posed by the spread of weapons among non-State actors. He also urged the international community to support the Presidency Council's efforts to achieve comprehensive reconciliation, and facilitate the return of internally displaced persons and refugees to their homes, which would also have a positive impact on human rights. In closing, he reiterated the invitation to the High Commissioner for Human Rights to visit Libya.

29. **Ms. Al-Temimi** (Qatar) said that her country was committed to supporting the work of OHCHR and the Human Rights Council and was proud to host the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region. Qatar had, moreover, been elected on three occasions to serve on the Human Rights Council. Furthermore, in January 2016, Qatar had hosted a regional conference on the role of the OHCHR in promoting and protecting human rights in the Arab region, at which participants had discussed best practices and successful strategies for promoting and safeguarding human rights in Arab countries.

30. Qatar was pleased that the report of the High Commissioner had underscored the link between the 2030 Agenda and the right to development. Qatar believed firmly that, in particular, Sustainable Development Goal 16 on the promotion of just, peaceful and inclusive societies could not be achieved without further efforts to address the situation in areas suffering from conflict, where many people had been driven from their homes and denied their most fundamental rights. Qatar looked forward to strengthening its relationship with OHCHR and would continue to strive to promote human rights within the country, the region and beyond.

31. **Mr. Estreme** (Argentina) said that, without adequate and predictable financing of OHCHR and the Human Rights Council, the United Nations would be unable to fulfil its mandate. His delegation wished to reiterate its full support for the change initiative and would welcome an update on the current status of the proposal. It would also like to hear how Argentina could contribute to its swift implementation.

32. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that by precedent, when a representative of OHCHR spoke out publicly on an issue, it did not constitute intervention in a State's domestic jurisdiction and thus a violation of Article 2, paragraph 7, of the Charter of the United

Nations. That precedent had been applied, for example, during the apartheid regime in South Africa when claims by the South African Government that the General Assembly resolution on apartheid violated the provision on intervention in domestic jurisdiction were repeatedly rejected by the General Assembly on the grounds that the word "intervention" implied the use of coercive power. By the same token, critical or encouraging comments by his Office about the role and policies of a Government did not constitute coercive power. He suggested at some stage considering the legal arguments of that interpretation of "intervention" and reviewing the precedent.

33. Civil society appeared to be more involved in United Nations work in Geneva than in New York, probably owing to mechanisms in Geneva such as the Universal Periodic Review. Higher up in the system, issues tended to be more politicized. He expressed concerns at reprisals and restrictions against civil society, as well as at attempts to prevent Special Rapporteurs from accessing areas of perceived human rights violations. If Member States did not allow access to Special Rapporteurs, what were they hiding? There had also been cases where a Government had been unwilling to discuss matters with special procedures of the Human Rights Council, which were independent and had been created specifically by Member States. He remained hopeful that dialogue could be used to reverse such positions and guarantee access.

34. His Office took note of the deep reservations expressed by China and looked forward to discussing those issues at the appropriate time. With regard to geographical distribution of OHCHR staff, the official standard of measurement was by country, not by region. At the start of the year, an impressive 125 nations were represented. There was no official measurement for regions, but his Office did keep track of regional statistics.

35. OHCHR had endeavoured to address the issues raised by Member States on the Change Initiative at the seventieth session of the General Assembly. It would be pre-emptive to discuss the Change Initiative at the current meeting, because the Advisory Committee on Administrative and Budgetary Questions would soon issue a detailed report on it.

36. OHCHR was implementing various action-oriented initiatives to combat intolerance and incitement to violence, such as Human Rights Council resolution A/HRC/RES/16/18 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It was also preparing a report to the Secretary-General on the topic, drawing on information regarding Member States' efforts and views on potential follow-up measures for the resolution. Moreover, his Office had set up an anti-discrimination database on practical means to combat racism, racial discrimination, xenophobia and related intolerance to help Member States identify best practices. Current trends were, however, not propitious, sparking fears for minorities worldwide. Unfair targeting of minorities was sometimes a way in which States distracted the public from structural problems.

37. Turning to the implementation of Human Rights Council resolution A/HRC/RES/31/36 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, he said that work had begun and staff had been recruited for the creation of a public database of all businesses involved in Israeli settlement activities.

38. OHCHR would continue to enhance field operations and partnerships in many countries. Although Member States continued to desire partnership, which was a testimony to the success of operations such as the office in Colombia, the future of partnerships largely depended on the availability of funds. He appealed to Member States to assist the Office in that regard.

39. Efficiency and speed were critical in responding to crises. However, staff deployed in the field sometimes had to wait to be granted access and programme budget implications had to be adopted before recruitment could even begin for commissions of inquiry or investigating mechanisms. Although the delay was problematic when some sort of presence was needed urgently, there had been many successful examples of deployment. Member States had proposed several ideas for improving the efficiency of the Human Rights Council, such as decreasing the number of sessions, panel discussions and agenda items. The current proliferation of its work had resulted from the

large number of chronic and serious crises with which Member States were grappling. Ultimately, prevention could be enhanced in countries only if development was viewed as a goal and economic and social rights were domesticated in law. That could, in turn, pave the way to civil and political rights for all. Development and human rights were the basis on which societies could flourish and threats to international peace and security could be prevented.

40. *Ms. Mejía Vélez (Colombia) resumed the Chair.*

41. **Mr. Forax** (European Union), reiterating his delegation's support for the independence and integrity of the mandate of the United Nations High Commissioner for Human Rights and, in particular for the preventative role he embodied, asked what steps could be taken to further develop the "early warning" function of the United Nations in order to help to prevent mass atrocities.

42. **Mr. Matt** (Liechtenstein) said that the devastating situation in Aleppo was at the centre of his delegation's concerns. Since the Security Council had failed to take proper action, a special session of the General Assembly should be convened. The atrocities being perpetrated were only possible in a climate of impunity. He would be interested in hearing the views of the High Commissioner on the matter.

43. **Mr. Torbergsen** (Norway) said that his delegation welcomed the High Commissioner's change initiative for strengthening the presence of the Office of the High Commissioner for Human Rights in the field, noting that it would have a significant impact but would be budget-neutral. Clearly, something was wrong if Member States were not financing, through the regular budget of the United Nations, activities that they had collectively asked the Office of the High Commissioner to undertake. OHCHR must be given the resources it needed to fulfil its mandate.

44. **Ms. Morton** (Australia) said that States were responsible not just for cooperating with OHCHR and providing access to the relevant human rights instruments but also for preventing reprisals against those cooperating with the Office. She asked the High Commissioner to expand on how cooperation access could be ensured in order to obtain practical outcomes on the ground.

45. **Ms. Mballa Eyenga** (Cameroon), reiterating her support for the structural changes proposed by the High Commissioner, said that she hoped that the Secretary-General and the High Commissioner would continue to provide sufficient funding to the Subregional Centre on Human Rights and Democracy in Central Africa to enable it to fulfil its mandate. She looked forward to receiving the relevant report of the Advisory Committee on Administrative and Budgetary Questions. The efforts to combat terrorism posed immense challenges. Children were often the perpetrators of terrorist attacks and were at the same time victims of the terrorist group, Boko Haram, which showed no respect for life or human dignity. Her Government was committed to guaranteeing respect for human rights whatever the circumstances. Corporate social responsibility was essential and initiatives for promoting it must be stepped up.

46. **Mr. Cepero Aguilar** (Cuba), noting that the High Commissioner envisaged making organizational changes to provide better support to Member States, recalled that General Assembly resolution 66/257 established that any changes in the organizational structure must be approved by the General Assembly. He requested further information on the scope and content of the planned changes, pointing out that such changes could have a substantive impact on the relationship between OHCHR and Member States as well as on the management of its priorities. He also wondered what effects they might have on the principle that OHCHR activities must be conducted in response to a prior request for assistance from a Member State.

47. **Mr. Al-Hussaini** (Iraq) said that his country had endeavoured to establish the best possible relationship with the United Nations system, including OHCHR, with a view to strengthening respect for human rights principles, entrenching democracy and promoting human development. Iraq had amended its national laws to bring its legislation into line with international human rights instruments, and had submitted numerous national reports to relevant human rights bodies. He commended the universal periodic review mechanism of the Human Rights Council. The submission by States of national reports under the human rights treaty body system made a significant contribution to efforts to strengthen human rights worldwide. Iraq hoped, moreover, to become a member of the Human Rights Council for the term 2017-2019, and trusted that

Member States would support its candidature in the forthcoming elections to the Council.

48. Although Iraq was engaged in a war against terrorism, it would continue to strive to comply fully with international human rights law. He trusted that Member States would continue to support Iraq in international forums, and continue to support the adoption of resolutions and statements condemning the crimes perpetrated by Islamic State in Iraq and the Levant (ISIL) against Iraqi civilians.

49. **Mr. Kim** Yong Ho (Democratic People's Republic of Korea) said that with regard to the provocative comments by the United States delegation, he wished to clarify once again the position of his country. The Human Rights Council and General Assembly resolutions repeatedly adopted against his country, together with the renewal of the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of Korea, were the product of the consistently hostile policy towards his country pursued by the United States and other forces, an affront to the dignity of his country and a desperate effort to eliminate its social system. Far from accepting or acknowledging them, his delegation rejected them totally as a fabrication and an example of politicization and selectivity. They had no relevance, showed no objectivity or impartiality and were not consistent with the genuine protection and promotion of human rights. He advised the United States to address its own, worse human rights record, including the unprecedented torture and atrocities perpetrated by the Central Intelligence Agency, extreme racial discrimination, police abuse and other appalling human rights violations.

50. **Mr. de la Mora** (Mexico) inquired whether the High Commissioner could provide any thoughts on his participation at the recent Special Session of the General Assembly on the World Drugs Problem and on what measures his Office could take on those issues. He also wished to know what actions OHCHR envisaged for assisting Member States in implementing the New York Declaration for Refugees and Migrants given that negotiations relating to the adoption of a global compact on safe, regular and orderly migration were just starting.

51. **Mr. Moussa** (Egypt) noted with concern the inclusion in the report of some priority areas, including the abolition of the death penalty and discrimination on the basis of sexual orientation and gender identity, which did not garner the wider support of the international community. He sought further clarification from the High Commissioner on how such priority areas were determined. With regard to organizational change, any attempt to codify new norms outside the intergovernmental process, including the Human Rights Up Front initiative, should be avoided until they had been adequately considered and approved by Member States. Failure to do so would raise suspicions that they might be used to justify unwarranted interventions in vulnerable countries for political reasons. He was concerned about the growing reliance of OHCHR on extrabudgetary sources, including earmarked contributions. The composition of the staff of the Office should reflect a more equitable geographical distribution.

52. **Mr. Mikayili** (Azerbaijan) said that at the last two sessions of Human Rights Council, the High Commissioner had touched upon the conflict in and around the Nagorno-Karabakh region of Azerbaijan. However, his delegation had noted that footnote references in various United Nations documents on the conflict failed to use the correct terminology for the region. He urged the Office to adhere strictly to the official United Nations terminology, as reflected in the relevant Security Council and General Assembly resolutions, namely "the Nagorno-Karabakh region of Azerbaijan".

53. **Ms.** Hyuni **Hwang** (Republic of Korea) said that her delegations concurred that strengthening human rights mechanisms was more crucial than ever before. Regrettably, however, some Member States, in particular the Democratic People's Republic of Korea, still denied those mechanisms access and refused to cooperate with them. Two years had passed since the release of the historic report by the commission of inquiry on human rights in the Democratic People's Republic of Korea but no signs of improvement on the ground had been seen. Indeed, that regime continued to ruin its own people's livelihood as they went hungry while it allocated scarce economic resources into testing nuclear weapons and launching missiles to maintain its grip on power. Her delegation strongly believed that there should be no impunity for human rights violators.

54. **Ms. Rodriguez** (Bolivarian Republic of Venezuela) said that it was unacceptable to politicize human rights mechanisms in order to condemn individual countries for exercising their sovereign right to exist and choosing their own form of development, while applying double standards to level accusations against entire countries for economic or political purposes. Recognizing the universality of human rights implied taking into account the diversity of cultures and political systems and promoting peaceful coexistence. High-level bodies such as OHCHR must not lose sight of the need for impartiality and objectivity in their work and must adhere strictly to the principles and purposes of the Charter of the United Nations and to the terms of General Assembly resolution 48/141.

55. **Ms. Garcia** (Costa Rica), noting that the High Commissioner had referred in his report to processes and practical orientations for protection of the human rights of migrants in vulnerable situations and those involved in large-scale or mixed movements, asked him to elaborate further on the matter, with reference, in particular, to the xenophobia often observed in such situations.

56. **Mr. Bessedik** (Algeria) underscored the importance of promoting human rights on a non-discriminatory basis, and emphasized that any attempt to separate civil, political and cultural rights from social and economic rights could lead to a selective approach that was inconsistent with human rights principles.

57. His country commended the efforts by the United Nations High Commissioner for Human Rights to combat racism, racial discrimination and xenophobia, and urged him to continue to monitor those phenomena worldwide and to devote particular attention to their diffusion in certain societies. The Human Rights Council must, moreover, give greater attention to the issue of migration with a view to facilitating efforts to find a comprehensive solution to that issue that safeguarded the rights of migrants and addressed the root causes of migration.

58. Algeria condemned the ongoing human rights violations perpetrated by the occupation authorities in Palestine and other occupied Arab territories. His delegation deeply appreciated the information regarding those violations contained in the most recent report of the High Commissioner, but wondered why that report had failed to include any information regarding the ongoing gross human rights violations in Non-Self-Governing Territories, where people were still denied their right to self-determination.

59. **Mr. Aliu** (Ghana), speaking on behalf of the African Group, said that he had noted with concern the inclusion in the report of some priority areas that clearly did not enjoy consensus and which did not garner the wider support of the international community. He sought further clarification on the process by which such priority areas were selected, pointing out that they clearly represented more of a priority to some States than others. With reference to the scope of the proposed hubs, he would welcome an explanation as to how they would cover countries that were not a party to the negotiations relating to their terms of reference. Restructuring was not simply an organizational matter but had serious substantive implications. The prior consent of the General Assembly on the proposed initiative was imperative. He inquired about claims that some of the elements of the organizational change initiative had already been implemented and expressed concern about the growing reliance of the Office on extrabudgetary resources, including earmarked contributions. Lastly, he called for a more equitable geographic representation in the composition of the staff of the Office.

60. **Mr. Mohamed** (Sudan) asked the High Commissioner which victims of sexual violence were referred to in paragraph 75 of his report. Since October 2014 and the controversial incident in Tabit village, human rights violations, including sexual violence, had been stemmed. Consecutive reports submitted so far in 2016 attested to that fact. Indeed, the most recent report on the work of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) pointed to an overall improvement in the human rights situation in Darfur. He called upon the relevant United Nations offices to continue to adhere scrupulously to the principle of zero tolerance. The duplication of human rights mechanisms should be avoided.

61. **Mr. Qassem Agha** (Syria), referring to the comments made by the representative of Liechtenstein regarding the situation in Aleppo, said that Aleppo was part of the territory of the Syrian Arab Republic and not part of Liechtenstein. His comments therefore

constituted interference in Syria's internal affairs. Together with its friends and allies, Syria was striving to combat the terrorists that had destroyed that city. Those terrorists were supported by States whose names were known to all. Noting that the representative of Liechtenstein had talked about mechanisms for prosecuting those responsible for crimes in Aleppo, he asked whether holding the perpetrators of human rights violations accountable for their crimes fell within the mandate of OHCHR, and expressed the hope that the State supporters of terrorism in Syria would be held accountable for their actions. Finally, he asked the High Commissioner why his Office had not yet sent a team to investigate the massacres of civilians, in which many children had been killed, that had taken place in Yemen as a result of Saudi Arabia's bombing campaign against that country.

62. **Mr. Rabi** (Morocco) said that his country commended the decision of the United Nations High Commissioner for Human Rights to launch a far-reaching organizational change initiative at OHCHR with a view to enhancing the responsiveness and adaptability of the Office and better integrating its work at OHCHR Headquarters and in the field. Morocco believed that it was vital to sustain coherence among all entities comprising the international human rights system, while also respecting the mandates of individual entities. It was also important to avoid the politicization of human rights and to resist any attempt to use human rights issues to undermine the unity, sovereignty or stability of States. The mandate and independence of OHCHR must also be respected, in accordance with General Assembly resolution 48/141, which underscored that the High Commissioner bore primary responsibility for human rights within the United Nations system. Any United Nations initiative to promote human rights must therefore be conducted under OHCHR auspices, not only because the Office was the only United Nations body with a mandate to conduct human rights initiatives, but also because its staff had a profound understanding of human rights, the necessary expertise to investigate human rights concerns, and the capacity to formulate objective and credible reports in that area.

63. Although Morocco supported the noble goals set forth in the Human Rights Up Front initiative, it did not believe that assigning responsibility to certain individuals and institutions to monitor human rights within States and to write reports in that regard was an appropriate way to proceed, as those individuals and institutions did not have the necessary expertise or mandate to undertake that task. There was, moreover, a danger that those institutions, and particularly those working in the field of development, could harbour political agendas. He asked the High Commissioner for his views on the Human Rights Up Front initiative and the role that he believed that the Office should play in that regard. He also asked him to provide details of the steps being taken to enhance coherence between the OHCHR headquarters in Geneva and its office in New York. Finally, he underscored that his country shared the concerns expressed by the representative of Norway regarding the lack of financial resources available to OHCHR, and was particularly concerned that the Office remained dependent on voluntary contributions to finance its mandated activities from the Human Rights Council.

64. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights), referring to possibilities for OHCHR to engage more deeply with implementation of the 2030 Agenda, said that the human rights architecture was already universal and therefore OHCHR did not have the same Global South focus as the rest of the United Nations. Human rights was dealt with as an enclosed system, the "human rights envelope", with its own mandate, peer review in the form of the universal periodic review and expert advice through special procedures. He believed, therefore, that OHCHR was well placed to help Member States further develop the commitments they had undertaken in the 2030 Agenda and had already been collaborating with the rest of the United Nations and the World Bank on options for deepening those partnerships. Civil society could provide great support to Governments, but only if it was able to exercise the right to freedom of expression and therefore hold Governments to account. Much of the future depended on pivotal elections to be held around the world over the following year, which would determine the direction the United Nations would take as a result. Regarding the question from the representative of the European Union on early warning systems, OHCHR was proactive in raising concerns about emerging crises, approaching delegations and requesting access. The Human Rights Up Front initiative was further empowering the rest of the system to alert OHCHR to

emerging patterns that needed to be very closely followed.

65. The OHCHR mandate allowed it to examine accountability in Syria, regardless of the identity of the alleged perpetrator, but access was vital and OHCHR had had a presence in Yemen for some time. OHCHR believed that accountability was essential in all cases where human rights violations were perceived to have occurred or had been reported, and Member States and the General Assembly were considering possible accountability mechanisms. It was very important for the sake of the victims and for the future of the country in question that accountability should be pursued. In terms of better cooperation on access, bilateral discussions were under way, but there was no quick solution.

66. Regarding the change initiative, the term "hubs" was no longer used. OHCHR already had six regional offices that it was strengthening further, and had requested two additional offices. It was perhaps surprising for those outside the United Nations to learn that the discussions revolved around the movement of staff members that represented less than 6 per cent of the total number of OHCHR staff. Member States in both New York and Geneva had expressed their deep commitments to human rights, and he would be delighted to see assessed contributions to OHCHR rise significantly in line with those commitments. OHCHR had listened very carefully to the comments of delegations regarding the change initiative and believed that progress had been made.

67. Turning to the question posed by the representative of Mexico on illicit drugs, he said that a panel discussion on the impact of the world drug problem on the enjoyment of human rights had been held at the thirtieth session of the Human Rights Council and a report on the outcome of the discussion (A/HRC/31/45) had been submitted to Member States in December 2015. The report had made clear that, as the Human Rights Committee had determined, drugs-related offences did not meet the threshold of the "most serious crimes", as was required for the imposition of the death penalty. OHCHR also believed that drug use should be decriminalized and treated as a public health issue.

68. On the subject of migration, OHCHR believed it should defend vulnerable communities that were being blamed for ills of society that were the result of deeper structural problems, and would continue to speak out against such scapegoating. Regarding the inadvisability of giving an opinion on issues on which a consensus had yet to be reached, the normative framework of human rights law was moving from standards towards obligations when treaties entered into force. There was a need for duty bearers to uphold their obligations and to work within that normative development. It would, for example, have been impossible to end slavery if nothing could have been said until a collective agreement had been reached. In relation to the question from the representative of Sudan on the provision of assistance to victims of sexual violence, referred to in paragraph 75 of his report, in the opinion of his Office, the paragraph did not suggest that the violations were ongoing, only that there had been victims and they were being attended to by OHCHR.

Organization of work

69. **Mr. Khane** (Secretary), referring to the request for a right of reply that had been granted during the nineteenth meeting, said that he wished to reiterate that it had been a long-standing practice of the Committee not to entertain rights of reply in the context of the interactive dialogues. Although he accepted that a precedent had been set by granting the request the previous day, the Committee should be clear about the consequences of departing from established practice. Allowing delegations to exercise the right of reply after each interactive debate would be time-consuming and could also have political consequences for Committee proceedings, since the point in question might relate to a statement made by a special rapporteur or other mandate holder. He also wished to recall that the right of reply was not an absolute right, but rather was granted at the discretion of the Chair.

70. **Mr. Rabi** (Morocco) said that, while he understood the comments of the Secretary regarding established practice, the rules of procedure must be respected. Rights of reply must be granted by the Chair, and since she had been elected, she should be trusted to do what was best. In the event that a request was made and the Chair's decision was contested, rules also existed to address that situation.

The meeting rose at 5.40 p.m.